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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,360	01/30/2001	Christopher J. Chase	2000-0660	1500
7590	07/21/2005			EXAMINER
Samuel H. Dworetzky AT&T CORP. ONE AT& T WAY ROOM 2A-207 BEDMINSTER, NJ 07921			MURPHY, RHONDA L	
			ART UNIT	PAPER NUMBER
			2667	
DATE MAILED: 07/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/772,360	CHASE ET AL.
	Examiner	Art Unit
	Rhonda Murphy	2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 May 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/17/04 eIDS

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on May 9, 2005.

Accordingly, claim 19 is currently pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al. (US 6,771,673) in view of Stoner et al. (US 6,052,383) and Tsukamoto et al (US 6,498,794).

Regarding claim 19, Baum discloses an Ethernet protocol network comprising a plurality of platforms (**aggregation unit 1010**) coupled to an infrastructure (see Fig. 8), each platform serving at least one customer for statistically multiplexing frames onto the infrastructure from said one customer (col. 17, lines 33-36) and for statistically de-multiplexing frames off the infrastructure to the one customer (it is known in the art that a multiplexed frame is de-multiplexed to recover the original signal) wherein each platform sending a frame overwrites said frame with a customer descriptor that identifies the sending customer (col. 8, lines 17-22; col. 16); and routes the frame on a path obtained by mapping the customer descriptor to such path (col. 8, lines 30-31).

Baum fails to explicitly disclose the receiving platform mapping the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits.

However, Stoner discloses the receiving platform (Fig. 1, LAN interface means 19) mapping the customer descriptor (ATM packets inherently include customer descriptors – source and destination information - so as to identify customers sending and receiving packets) through an ATM switch router (ATM interface means 17) to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits (ATM line 3).

In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the system of Baum by mapping the customer descriptor through an ATM router to an ATM PVC, in order to create a point-to-point link between two recipients that wish to communicate with each other (col. 1, lines 19-21).

Moreover, Baum fails to explicitly disclose the infrastructure as being a fiber ring infrastructure.

However, the fiber ring infrastructure of the above mentioned limitations is taught by Tsukamoto in col. 5, lines 59-62; a ring network composed of optical fiber.

In view of this, having the teachings of Baum and Stoner, and then given the teaching of Tsukamoto, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Baum and Stoner's system with

Tsukamoto's fiber ring infrastructure, so as to obtain the benefits associated with utilizing a fiber infrastructure to transmit at an optimal rate.

Response to Arguments

1. Applicant's arguments filed on May 9, 2005 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the Applicant's statement on page 4 of the amendment, in reference to Baum's method teaching away from the invention. Baum teaches a packet that is received, at the aggregation unit (platform), from a customer and further forwarded. The aggregation unit sends a packet in which layer 2 header information may be removed (col. 8, lines 17-19) and a unique bit string (context information which includes customer-specific information; col. 7, lines 45-55) may be added (col. 8, lines 19-22; col. 8 lines 32-39). Therefore, Baum's disclosure teaches on the claimed limitations.

Furthermore, Stoner discloses the receiving mapping the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits (illustrated in Figure 1).

The combined teaching of Baum, Stoner and Tsukamoto - who discloses a fiber ring infrastructure, therefore teaches the claimed system.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy

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Examiner
Art Unit 2667

rlm


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000 7/20/05